

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHARLES JOHNSON, INDIVIDUALLY,
AND AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF ETHEL JOHNSON, AND ON
BEHALF OF AND FOR THE USE AND BENEFIT
OF THE WRONGFUL DEATH BENEFICIARIES
OF ETHEL JOHNSON

PLAINTIFFS

VS.

Civil Action No. 3:15-cv-00238-WHB-JCG

TRINITY MISSION HEALTH & REHAB OF CLINTON,
LLC d/b/a TRINITY MISSION HEALTH & REHAB OF
CLINTON, COVENANT DOVE, LLC,
COVENANT DOVE HOLDING COMPANY, LLC,
ARK MISSISSIPPI HOLDING COMPANY, LLC,
CHRISTOPHER J. MURPHY, C. MICHAEL BAGLEY,
WENDY KELLY, UNIDENTIFIED ENTITIES 1-10, AND
JOHN DOES 1-10 (as to the TRINITY MISSION HEALTH
& REHAB FACILITY)

DEFENDANTS

**AGREED ORDER DISMISSING CERTAIN PARTIES
AND CLAIMS WITH PREJUDICE**

THIS CAUSE having come before the Court on *Plaintiff's Motion to Dismiss Certain Parties and Claims With Prejudice*, and the Court, having considered the same and finding that the defendants do not oppose the motion, and otherwise being fully advised in the premises, finds that said motion is well taken and should be **GRANTED**.

IT IS, THEREFORE, ORDERED AND ADJUDGED that *Plaintiff's Motion to Dismiss Certain Parties and Claims With Prejudice* is hereby **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that all claims asserted and which could have been asserted in the premises against Defendants Covenant Dove Holding Company, LLC, Ark Mississippi Holding Company, LLC, Christopher J. Murphy, and C. Michael Bagley,

or any of them, are hereby **DISMISSED WITH PREJUDICE**, and that these defendants are hereby **DISMISSED WITH PREJUDICE** from this action, with the parties to bear their own costs and attorneys' fees.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's claim of breach of fiduciary duty against all defendants is hereby **DISMISSED WITH PREJUDICE**, with the parties to bear their own costs and attorneys' fees.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's claims of negligence, negligent supervision, and inadequate control against Covenant Dove, LLC, are hereby **DISMISSED WITH PREJUDICE**, with the parties to bear their own costs and attorneys' fees.

SO ORDERED AND ADJUDGED, this the 4th day of October, 2016.

s/William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

AGREED TO:

s/ R. Paul Williams, III
R. PAUL WILLIAMS, III (MSB #102345)
COURTNEY M. WILLIAMS (MSB #102347)
ATTORNEYS FOR PLAINTIFF

s/ Rex M. Shannon, III
EUGENE R. NAYLOR (MSB #3757)
REX M. SHANNON III (MSB #102974)
ATTORNEYS FOR DEFENDANTS